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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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11 DENNIS GRIMES,
12 CDCR #V-90377,

13 Plaintiff,

14 vs.
15 JAMES E. TILTON; A. FAVILA;
16 S. JUAREZ; REVEREND STEVE
FRANCIS; ALAN HERNANDEZ;
GEORGE GIURBINO; V.M. ALMAGER;

17 Defendants.

18 Civil No. 06-2309 BTM (LSP)

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**ORDER DISSOLVING STAY AND
ISSUING BRIEFING SCHEDULE**

22 On May 18, 2009, this Court issued an Order granting an application to stay the action
23 pending Defendants' interlocutory appeal of the Court's order denying Defendants' motion for
24 summary judgment on qualified immunity grounds.

25 On June 17, 2010, the Ninth Circuit Court of Appeals issued a memorandum affirming
26 the District Court's denial of Defendants' motion for summary judgment on qualified immunity
27 grounds based on Plaintiff's claim under the Religious Land Use and Personalized Persons Act
("RLUIPA"). The Ninth Circuit remanded the issue of whether Defendants are entitled to
qualified immunity on Plaintiff's First Amendment claim. The formal mandate was issued on
July 9, 2010.

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1 The Court hereby **DISSOLVES** the stay in this matter issued on May 18, 2009.
2 Defendants are ordered to file supplemental briefing to their original motion for summary
3 judgment relating to the issue of qualified immunity on Plaintiff's First Amendment claims only.
4 This supplemental briefing must be filed with the Court and served on Plaintiff no later than
5 **Friday, August 28, 2010.** Plaintiff must then file and serve either an Opposition or a Notice of
6 Non-Opposition no later than **Friday, September 17, 2010.** Plaintiff is also directed to refer to
7 the Court's Order dated August 7, 2008 providing Plaintiff with notice of the rules and
8 ramifications of a Rule 56 motion pursuant to *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998)
9 (en banc) and *Klingele v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988). No reply brief is necessary.
10 The Court will then take the matter under submission and will issue its written opinion soon
11 thereafter. Thus, unless otherwise ordered, no appearances are required and no oral argument
12 will be heard.

13 **IT IS SO ORDERED.**

14 DATED: July 12, 2010

15 
16 Honorable Barry Ted Moskowitz
United States District Judge

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